

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DWAYNE CAETANO,
Plaintiff,
v.
SECURITIES AND EXCHANGE
COMMISSION,
Defendant.

No. 2:23-cv-01329-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO PROCEED *IN FORMA*
PAUPERIS

(Doc. No. 8)

Plaintiff Nathaniel Dwayne Caetano is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 10, 2024, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion to proceed *in forma pauperis* be denied because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 8 at 2–3). Furthermore, the magistrate judge recommended that plaintiff be ordered to pay the \$405 filing fee within fourteen (14) days from the date of any order adopting the findings and recommendations. (*Id.* at 3.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within thirty (30) days of service

1 and warned him that failure to comply with the order would result in this action being dismissed.
2 (*Id.* at 4.) To date, no objections to those findings and recommendations have been filed, and the
3 time in which to do so has now passed.

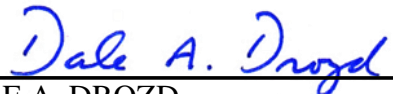
4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
6 and recommendations to be supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on January 10, 2024 (Doc. No. 8) are
9 adopted in full;
- 10 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 11 3. Within fourteen (14) days from the date of service of this order, plaintiff shall pay
12 the \$405.00 filing fee in full in order to proceed with this action;
- 13 4. Plaintiff is forewarned that failure to pay the filing fee within the specified time
14 will result in the dismissal of this action; and
- 15 5. This matter is referred back to the assigned magistrate judge for further
16 proceedings consistent with this order.

17 IT IS SO ORDERED.

18 Dated: March 16, 2024

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20 DALE A. DROZD
21 UNITED STATES DISTRICT JUDGE
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